UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:19-cr-31-MOC

| UNITED STATES OF AMERICA, |) | |
|---------------------------|---|-------|
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | ORDER |
| v. |) | |
| |) | |
| GERVAN ROMAIN TAYLOR, |) | |
| |) | |
| Defendant. |) | |

THIS MATTER is before the Court on Defendant's pro se Motion for Compassionate Release/Reduction of Sentence. (Doc. No. 76). Defendant, an inmate at FCI Jesup Low, in Jesup, Georgia, seeks to be released from prison under the compassionate release provision in 18 U.S.C. § 3582(c)(1)(A)(i) as a means to control the spread of the coronavirus in federal prisons. For the following reasons, Defendant's motion is denied.

I. BACKGROUND AND DISCUSSION

On February 7, 2019, Defendant pled guilty to conspiracy to distribute and possess with intent to distribute methamphetamine, conspiracy to commit money laundering, and distributing and possessing with intent to distribute methamphetamine. On August 26, 2019, this Court sentenced Defendant to 78 months of imprisonment, to be followed by three years of supervised release. (Doc. No. 73). On April 15, 2020, Defendant filed a reduction in sentence request with the BOP due to the COVID-19 pandemic. The BOP denied Defendant's request, noting that Defendant, who is 36, does not meet the age requirement for release and his low risk of recidivism (as opposed to a minimum risk) does not meet the requirements for compassionate release. (Doc. No. 76-1). On May 12, 2020, Defendant filed the pending motion, seeking to be

released to home confinement due to the coronavirus, and citing 28 U.S.C. § 3582(c)(1)(A). Defendant asserts that he suffers from asthma, chronic lung disease, and tuberculosis, and he

notes that he takes medications for his conditions.

Defendant's release is not appropriate because he cannot establish "extraordinary and compelling reasons [to] warrant such a reduction" under Section 3582(C)(1)(A)(i). The BOP denied Defendant's request, noting that Defendant's age and risk of recidivism do not make him eligible for release under BOP guidelines for releasing inmates due to coronavirus concerns. The BOP is in a better position than the district courts to determine whether an individual defendant's circumstances and the prison environment warrant relief due to coronavirus concerns, and the BOP's justifications for denying Defendant's request (his age and risk of recidivism level) are

For the reasons stated herein, Defendant's pro se Motion for Compassionate Release/Reduction of Sentence, (Doc. No. 76), is **DENIED**.

reasonable.

Signed: May 21, 2020

United States District Judge